

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)	
OF NORTHERN ILLINOIS WELFARE AND)	
PENSION FUNDS,)	
)	
Plaintiffs,)	
)	Case No.:
v.)	
)	Judge
)	
SWEET LOU TRUCKING, INC.,)	Magistrate Judge
an Illinois corporation)	
)	
Defendant.)	

COMPLAINT

Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds"), by their attorneys, John J. Toomey, of Arnold and Kadjan, complain against Defendant, SWEET LOU TRUCKING, INC., an Illinois corporation,, as follows:

COUNT I

JURISDICTION AND VENUE

1. (a) Jurisdiction of this cause is based upon Section 502 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1132 ("ERISA") and 29 U.S.C. 1145 as amended.

(b) Venue is founded pursuant to 29 U.S.C. Section 1132(e) (2) in this district, where the Funds as described in Paragraph 2, are administered and 185(c).

PARTIES

2. (a) Plaintiffs are the TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds") and have standing to sue pursuant to 29 U.S.C. 1132(a)(3).

(b) The SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS have been established pursuant to collective bargaining agreements previously entered into between the International Brotherhood of Teamsters and its affiliated locals ("the Union") and Employers;

(c) The Funds are maintained and administered in accordance with and pursuant to the provisions of the National Labor Relations Act, as amended, and other applicable state and federal laws, and also pursuant to the terms and provisions of the Agreements and Declarations of Trust which establish the Funds.

3. (a) SWEET LOU TRUCKING, INC., an Illinois corporation, employs employees represented by the Union and is bound to make contributions for weeks worked by all employees and upon subcontractors who perform work which would otherwise be performed by employees.

(b) SWEET LOU TRUCKING, INC., is an Illinois corporation,, with its principal place of business at Yorkville, Illinois.

(c) SWEET LOU TRUCKING, INC., an Illinois corporation, is an employer engaged in an industry affecting commerce.

4. Effective December 4, 2014 SWEET LOU TRUCKING, INC., an Illinois corporation, entered into an Area Construction Agreement with Teamsters 179 for the period December 4, 2014 through May 31, 2017 which requires contributions to the Funds pursuant to 29 U.S.C. 1145.

5. Pursuant to the terms of the contract and the trust agreements establishing the Funds, Employer is required to make its books and records available to the Funds for audit

6. The Funds have attempted to obtain the books and records of the Defendant for an audit for the period December, 2014 through August, 2015. The Funds' auditor has written and repeatedly telephoned the company and received no response.

7. Without an order directing an audit be performed and delinquencies paid thereunder, Plaintiffs are unable to fulfill their fiduciary duties under the Plan.

8. The amount presently due cannot be ascertained without an audit.

WHEREFORE, Plaintiffs pray:

A. That the Court order an audit of Defendant's books and records for the period December, 2014 through August, 2015 to determine the actual amounts due and owing.

B. That judgment be entered against the corporation, and in favor of the Plaintiffs in the amount shown to be due under the audit.

C. That the Plaintiffs be awarded all relief provided for under 29 U.S.C. 1132(g)(2) including interest, 20% liquidated damages, costs and attorneys' fees.

D. That the Court enjoin the corporation from operation without making the Fund whole for its past delinquencies, and the grant of security for its current contributions.

E. Such other relief as the Court may deem appropriate..

TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS WELFARE AND
PENSION FUNDS

By: 
One of Its Attorneys

John J. Toomey
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EXHIBIT A

Received
Jan. 21. 2015 3:56PM

Jan 21 2015 03:58pm

No. 3120 P. 20/25

Sweet Lou Trucking, Inc.
019856490

AREA CONSTRUCTION AGREEMENT

between

**CONTRACTORS ASSOCIATION OF WILL AND
GRUNDY COUNTIES**

and

TEAMSTERS LOCAL UNION NO. 179

Affiliated with the I.B. of T.



Effective June 1, 2012 through May 31, 2017

Received
21. 2015 3:56PM

Jan 21 2015 03:57pm

No. 3120 P. 21/25

SIGNATURE PAGE FOR NON-ASSOCIATION EMPLOYERS

FOR TEAMSTERS LOCAL UNION NO. 179:

BY: Lo Jf

TITLE: President

DATE: 12/4/14

FOR THE EMPLOYER:

COMPANY NAME: Sweet Lou Trucking Inc

ADDRESS: 2485 Emerald lane

Yorkville IL 60560
City State Zip

PHONE: 630-812-8696 FAX: _____

EMAIL: esparza.luis27@gmail.com

PRINT NAME: Luis E. Esparza

SIGNATURE: Luis E. Esparza

TITLE: President

DATE: 12-4-14